

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case  <b>NOTICE OF APPEAL</b>
---	---

*This document relates to:*

*All Cases Comprising 03-MDL-1570*

**NOTICE OF APPEAL**

NOTICE is hereby given that Cozen O'Connor P.C.; Sidley Austin LLP; Ellis George Cipollone O'Brien LLP; and Plaintiffs Federal Insurance Company; Pacific Indemnity Insurance Company; Chubb Custom Insurance Company; Chubb Indemnity Insurance Company; Chubb Insurance Company of Canada; Chubb Insurance Company of New Jersey; Great Northern Insurance Company; Vigilant Insurance Company; One Beacon Insurance Company; One Beacon America Insurance Company; American Employers' Insurance Company; The Camden Fire Insurance Association; Homeland Insurance Company of New York; American Alternative Insurance Corporation; Great Lakes Reinsurance U.K. PLC; The Princeton Excess and Surplus Lines Insurance Company; Hiscox Dedicated Corporate Member, Ltd.; Allstate Insurance Company; Boston Old Colony Insurance Company; Continental Insurance Company; Commercial Insurance Company of Newark, NJ; CNA Casualty of California; Continental Insurance Company of New Jersey; Fidelity and Casualty Company of New York; Glens Falls Insurance Company; National Ben Franklin Insurance Company of Illinois; ACE American Insurance Company; ACE Capital V Ltd for itself and as representative of all subscribing underwriters for ACE Global Markets Syndicate 2488; ACE Bermuda Insurance Ltd; ACE INA

Insurance Company of Canada; ACE Indemnity Insurance Company; ACE Insurance SA-NV; ACE Property & Casualty Insurance Company; Atlantic Employers Insurance Company; Bankers Standard Insurance Company; Indemnity Insurance Company of North America; Insurance Company of North America; Westchester Fire Insurance Company; Westchester Surplus Lines Insurance Company; TIG Insurance Company; Pacific Employers Insurance Company; Woburn Insurance Ltd.; AXA Corporate Solutions Assurance; AXA Corporate Solutions Insurance Company; AXA Corporate Solutions Assurance UK Branch; AXA Corporate Solutions Assurance (Canada); AXA RE Asia Pacific Pte. Limited; AXA RE; AXA RE Canadian Branch; AXA RE UK Plc.; AXA Corporate Solutions Reinsurance Company; AXA Art Insurance Corporation; SPS Reassurance; AXA Re Madeira Branch; Compagnie Generale de Reinsurance de Monte Carlo; AXA Versicherung AG; AXA Cessions; AXA Global Risks UK Ltd.; Underwriting Members of Lloyd's Syndicates 2, 53, 55, 205, 228, 271, 376, 510, 529, 535, 557, 588, 672, 807, 861, 991, 1003, 1121, 1209, 1236, 1243, 1308, 2003, 2008, and 2020; Marlon Insurance Company; Copenhagen Reinsurance Company (U.K.) Limited; UnionAmerica Insurance Company Limited; SCOR Global P&C SE; SCOR UK Company Limited; SCOR Reinsurance Asia-Pacific Pte Limited; SCOR Reinsurance Company (Asia) Limited; SCOR Reinsurance Company; General Security National Insurance Company; General Security Indemnity Company of Arizona; SCOR Canada Reinsurance Company; Liberty Mutual Insurance Company; American Economy Insurance Company; American Fire & Casualty Company; Employers Insurance Company of Wausau; Excelsior Insurance Company; The First Liberty Insurance Corporation; General Insurance Company of America; Indiana Insurance Company; Liberty Insurance Corporation; Liberty Insurance Underwriters, Inc.; Liberty Life Assurance Company of Boston; Liberty Lloyds of Texas Insurance Company; Liberty Mutual

Fire Insurance Company; LM Insurance Corporation; LM Property and Casualty Insurance Company; Liberty Managing Agency Limited for and on behalf of the Lloyd's Underwriting Members from time to time of Lloyd's Syndicates 4472, 190, and 282; Liberty Mutual Insurance Europe Limited; The Midwestern Indemnity Company; The Netherlands Insurance Company; The Ohio Casualty Insurance Company; Peerless Insurance Company; Safeco Insurance Company of America; Wausau Business Insurance Company; Wausau Underwriters Insurance Company; West American Insurance Company; American Safety Indemnity Company; American Safety Casualty Insurance Company; Odyssey Reinsurance Company; QBE Insurance (International) Ltd.; Muenchener Rueckversicherungs-Gesellschaft Aktiengesellschaft in Muenchen; New Reinsurance Company, Ltd.; AIG Specialty Insurance Company; Chartis Excess Limited; AIU Insurance Company; American Home Assurance Company; AIG Insurance Company – Puerto Rico; AIG Insurance Company of Canada; AIG Assurance Company; AIG Property Casualty Company; Commerce and Industry Insurance Company; Granite State Insurance Company; Illinois National Insurance Company; The Insurance Company of the State of Pennsylvania; Lexington Insurance Company; National Union Fire Insurance Company of Pittsburgh, PA; New Hampshire Insurance Company; and Württembergische Versicherung AG hereby appeal to the United States Court of Appeals for the Second Circuit from the final order entered on December 12, 2023, a copy of which is attached as **Exhibit A**, “dismiss[ing] with prejudice” the *Havlish* Plaintiffs’ Renewed Motion for an Order Creating a Common Benefit Fund and Authorizing Certain Disbursements Therefrom (MDL Dkt. No. 4239 & 4291) (the “Motion”) as against Motley Rice LLC, Kreindler & Kreindler LLP, Speiser Krause, PC, and Anderson Kill PC and their clients, and from each and every opinion and order relating to the underlying Motion, including, without limitation, the opinions and orders issued on September

30, 2019; September 30, 2020; and August 31, 2023, copies of which are attached as **Exhibits B**, **C**, and **D**, respectively.

Dated: January 10, 2024

Respectfully submitted,

COZEN O'CONNOR

/s/ Sean P. Carter

Sean P. Carter, Esq.

Stephen A. Cozen, Esq.

J. Scott Tarbutton, Esq.

One Liberty Place

1650 Market Street, 28<sup>th</sup> Floor

Philadelphia, PA 19103

[scarter1@cozen.com](mailto:scarter1@cozen.com)

(215) 665-2105 Phone

(215) 665-2013 Fax

*Attorneys for Plaintiffs/Appellees*

**CERTIFICATE OF SERVICE**

I, Coleen Dougherty Williams, do hereby certify that I am over 18 years of age, am not a party to the instant action, and that a true and correct copy of this Notice of Appeal was served on all counsel of record via the Court's Electronic Case Filing ("ECF") system on this 10<sup>th</sup> day of January, 2024.

By: /s/ Coleen D. Williams  
Coleen Dougherty Williams, Paralegal  
Cozen O'Connor  
One Liberty Place  
1650 Market Street, 28<sup>th</sup> Floor  
Philadelphia, PA 19103